

No.

200300241



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Virginia State University and U. S. Government, as
represented by the Secretary of Agriculture

Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

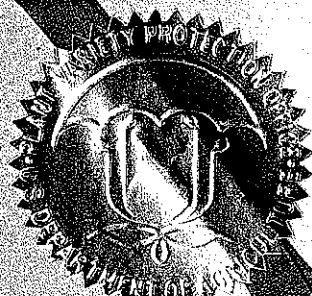
AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DISTINCT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1553, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'RANDOLPH'

In Testimony Whereof, I have hereunto set my hand
and caused the seal of the Plant Variety
Protection Office to be affixed at the City of
Washington, D.C. this twenty-seventh day of
April, in the year two thousand and four.



Attest:

R. M. Jones

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Hereman

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

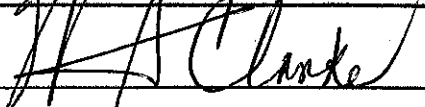
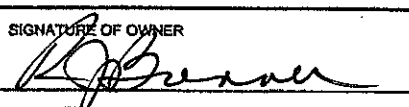
1. NAME OF OWNER 1. VIRGINIA STATE UNIVERSITY 2 U.S. Government, as represented by the Secretary of Agriculture		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME VS20-418		3. VARIETY NAME RANDOLPH	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 1. Room # 115, M.T. Carter Building Carter G. Woodson, Dr. Petersburg, VA 23806 2. USDA, ARS Room 226, BLDG.001, BARC-West Sustainable Agricultural System laboratory 10300 Baltimore Avenue, Beltsville MD 20705-2350		5. TELEPHONE (Include area code) 804-524-5631 301-504-6375		FOR OFFICIAL USE ONLY PVPO NUMBER 200300241	
6. FAX (Include area code) 804-524-5622 301-504-5320		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) 1. UNIVERSITY/ 2. U.S. Government		8. IF INCORPORATED, GIVE STATE OF INCORPORATION 1. VIRGINIA 2. N/A	
9. DATE OF INCORPORATION 1. 1882 2. N/A		FILING DATE May 6, 2003			
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) 1. Tadesse Mebrahtu (Technical Representative of Virginia State University) Soybean Breeder Virginia State University, Petersburg, VA 23806 Winfrey S. Clarke Room # 115 M.T. Carter Building Carter G. Woodson, Dr. Petersburg, VA 23806				FILING AND EXAMINATION FEES: \$ 3652.00 DATE: 5/6/2003 CERTIFICATION FEE: \$ 432.00 DATE 9/30/2003	
11. TELEPHONE (Include area code) 804-524-5951		12. FAX (Include area code) 804-524-5186		13. E-MAIL tmebraht@vsu.edu	
14. CROP KIND (Common Name) SOYBEAN		15. GENUS AND SPECIES NAME OF CROP Glycine max		16. FAMILY NAME (Botanical) Leguminosae	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office) \$3,652		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no", go to item 22)			
20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED NUMBER 1,2,3, etc. (If additional explanation is necessary, please use the space indicated on the reverse.)			
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 		SIGNATURE OF OWNER 			
NAME (Please print or type) Winfrey S. Clarke		NAME (Please print or type) Richard J. Brenner			
CAPACITY OR TITLE Associate Dean and Director of Research		DATE 4/3/03		CAPACITY OR TITLE Deputy Assistant Administrator	
				DATE 4/30/03	

Exhibit A. Origin and Breeding History of the Variety

Randolph is from the cross PI 417288 x BV- 4. The F₂ through F₅ progenies from this cross were advanced through single seed descent (SSD). At the seed maturity, F₅ single plants were selected and threshed individually. F₆ progeny of individual F₅ plants was grown in single rows at the Randolph Farm of Virginia State University. Breeding lines that produced high seed yields with large seed size were identified from the bulk F₆ plant rows. The major selection criteria used during cultivar development were seed size and green pod yield. The cultivar Randolph was observed for three generations and found to be uniform and stable. No variances were observed.

Exhibit B. Statement of Distinctness

Randolph is most similar to Asmara. Randolph has white flowers and gray pubescence, yellow seed coats, brown hila and tan pods. Asmara has white flowers and tawny pubescence, yellow seed coats, buff hila and tan pods. Randolph has elongated shaped seed weighing 27 g/100 seeds and Asmara has spherical seed shape weighing 22 g/100 seeds.

Randolph has 1.5 % and 2.9 % higher protein than Asmara when harvested at the green pod and mature seed stages, respectively. Randolph is 31% higher in sucrose content than Asmara.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - OMB No. 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Soybean)

OBJECTIVE DESCRIPTION OF VARIETY
SOYBEAN (*Glycine max* (L.) Merr.)

NAME OF APPLICANT(S) VIRGINIA STATE UNIVERSITY AND U.S. GOVERNMENT	FOR OFFICIAL USE ONLY 200300241
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) ROOM # 115 M.T. CARTER BUILDING CARTER G. WOODSON, DR. PETERSBURG, VA 23806	VARIETY NAME RANDOLPH
	TEMPORARY OR EXPERIMENTAL DESIGNATION VS20-418

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in the first box (e.g.

9	9	9
---	---	---

 or

0	9
---	---

) when number is either 99 or less or 9 or less respectively. Data for quantitative

plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal

Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:

Please answer all questions for your variety; lack of response may delay progress of your application.

A. MORPHOLOGY

Seed Shape:

- | | | |
|--|--|---|
| <table border="1" style="display: inline-table;"><tr><td>3</td></tr></table> 1 = Spherical
(L/W, L/T, and T/W ratios < 1.2) | 3 | 2 = Spherical-Flattened
(L/W ratio > 1.2; L/T ratio < 1.2) |
| 3 | | |
| 3 = Elongate
(L/T ratio > 1.2; T/W ratio < 1.2) | 4 = Elongate-Flattened
(L/T ratio > 1.2; T/W ratio > 1.2) | |

Seed Coat Color:

- | | | | | | |
|---|---|-----------|-----------|-----------|-------------------------------------|
| <table border="1" style="display: inline-table;"><tr><td>1</td></tr></table> 1 = Yellow | 1 | 2 = Green | 3 = Brown | 4 = Black | 5 = Other
(Please Specify) _____ |
| 1 | | | | | |

Seed Coat Luster:

- | | | |
|---|---|-----------|
| <table border="1" style="display: inline-table;"><tr><td>1</td></tr></table> 1 = Dull | 1 | 2 = Shiny |
| 1 | | |

Seed Size:

- | | | |
|--|---|---|
| <table border="1" style="display: inline-table;"><tr><td>2</td><td>7</td></tr></table> grams/100 seeds | 2 | 7 |
| 2 | 7 | |

Hilum Color:

- | | | | | | |
|---|----------------------------------|------------|-----------|----------|---------------------|
| <table border="1" style="display: inline-table;"><tr><td>3</td></tr></table> 1 = Buff | 3 | 2 = Yellow | 3 = Brown | 4 = Gray | 5 = Imperfect Black |
| 3 | | | | | |
| 6 = Black | 7 = Other (Please Specify) _____ | | | | |

A. MORPHOLOGY (Continued)

Cotyledon Color:

☐ 1 = Yellow 2 = Green

Seed Protein Peroxidase Activity:

☐ 2 1 = Low 2 = High

Hypocotyl Color:

☐ 1 1 = Green 2 = Green with Bronze 3 = Light Purple 4 = Dark Purple extending to
('Evans' or 'Davis') Bands below Cotyledon below Cotyledons unifoliate leaves ('Hodgson',
('Woodworth' or 'Tracy') ('Beeson' or 'Pickett 71') 'Coker', or 'Hampton 266A')

Leaf Shape:

☐ 2 1 = Lanceolate 2 = Oval 3 = Ovate 4 = Other (Please Specify) _____

Flower Color:

☐ 1 1 = White 2 = Purple 3 = White with a Purple Throat

Pod Color:

☐ 1 1 = Tan 2 = Brown 3 = Black

Pubescence Color:

☐ 1 1 = Gray 2 = Brown (Tawny) 3 = Light Tawny

Plant Habit:

☐ 1 1 = Determinate 2 = Semi - Determinate 3 = Indeterminate 4 = Intermediate

Maturity Group:

<input type="checkbox"/> 0	<input type="checkbox"/> 9	1 = 000	2 = 00	3 = 0	4 = I	5 = II
		6 = III	7 = IV	8 = V	9 = VI	10 = VII
		11 = VIII	12 = IX	13 = X	14 = XI	15 = XII

Maturity Subgroup:

☐ 4 Please enter a value from 0 - 9

B. DISEASE REACTIONS

0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Bacterial

☐ 0 Bacterial Pustule (*Xanthomonas campestris* pv. *glycines* (Nakano) Dye)

☐ 0 Bacterial Blight (*Pseudomonas syringae* pv. *glycinea* (Coerper) Young, Dye, & Wilkie)

☐ 0 Wildfire Blight (*Pseudomonas syringae* pv. *tabaci* (Wolf & Foster) Young, Dye, & Wilkie)

B. DISEASE REACTIONS (Continued) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Fungal

☐ Brown Spot (*Septoria glycines* Hemmi)

Frogeye Leaf Spot (*Cercospora sojina* Hara)

<input type="checkbox"/> race 1	<input type="checkbox"/> race 2	<input type="checkbox"/> race 3	<input type="checkbox"/> race 4
<input type="checkbox"/> race 5	<input type="checkbox"/> race 6	<input type="checkbox"/> Other (Please Specify) _____	

☐ Target Spot (*Corynespora cassiicola* (Berk. & Curt.) Wei)

☐ Downey Mildew (*Peronospora trifoliorum* var. *manchurica* (Naum.) Syd. ex Gäum)

☐ Powdery Mildew (*Microsphaera diffusa* Cke. & Pk.)

☐ Brown Stem Rot (*Phialophora gregata* (Allington & Chamberlain) W. Gams.)

☐ Stem Canker (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *caulivora* Athow & Caldwell)

☐ Pod and Stem Blight (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *sojae* (Lehman) Wehm.)

☐ Purple Seed Stain (*Cercospora kikuchii* (T. Matsu. & Tomoyasu) Gardener)

☐ Rhizoctonia Root Rot (*Rhizoctonia solani* Kühn)

Phytophthora Root Rot (*Phytophthora megasperma* Drechs. f. sp. *glycinea* (Kuan & Erwin))

<input type="checkbox"/> race 1	<input type="checkbox"/> race 8	<input type="checkbox"/> race 15	<input type="checkbox"/> race 22
<input type="checkbox"/> race 2	<input type="checkbox"/> race 9	<input type="checkbox"/> race 16	<input type="checkbox"/> race 23
<input type="checkbox"/> race 3	<input type="checkbox"/> race 10	<input type="checkbox"/> race 17	<input type="checkbox"/> race 24
<input type="checkbox"/> race 4	<input type="checkbox"/> race 11	<input type="checkbox"/> race 18	<input type="checkbox"/> race 25
<input type="checkbox"/> race 5	<input type="checkbox"/> race 12	<input type="checkbox"/> race 19	<input type="checkbox"/> race 26
<input type="checkbox"/> race 6	<input type="checkbox"/> race 13	<input type="checkbox"/> race 20	<input type="checkbox"/> Other (Please Specify) _____
<input type="checkbox"/> race 7	<input type="checkbox"/> race 14	<input type="checkbox"/> race 21	

☐ Bud Blight (Tobacco Ringspot Virus)

☐ Yellow Mosaic (Bean Yellow Mosaic Virus)

B. DISEASE REACTIONS (Continued) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Cowpea Mosaic (Cowpea Chlorotic Virus)

Pod Mottle (Bean Pod Mottle Virus)

Seed Mottle (Soybean Mosaic Virus)

Nematode

Soybean Cyst Nematode (*Heterodera glycines* Ichinohe)

race 1

race 4

race 9

race 2

race 5

race 14

race 3

race 6

Other (Please Specify) _____

Lance Nematode (*Hoplolaimus columbus* Sher)

Southern Root Knot Nematode (*Meloidogyne incognita* (Kofoid & White) Chitwood)

Northern Root Knot Nematode (*Meloidogyne hapla* Chitwood)

Peanut Root Knot Nematode (*Meloidogyne arenaria* (Neal) Chitwood)

Reniform Nematode (*Rotylenchus reniformus* Linwood & Olivera)

Javanese Nematode (*Meloidogyne javanica* (Treub) Chitwood)

Other Nematode (Please Specify) _____

C. PHYSIOLOGICAL RESPONSES 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Iron Chlorosis on Calcareous Soil

Phosphorus

Other (Please Specify) _____

Boron

Aluminum

Salt

Drought

D. INSECT REACTIONS

0 = Not Tested

1 = Susceptible

2 = Resistant

3 = Tolerant

☐Mexican Bean Beetle (*Epilachna varivestis* Mulsant)☐Potato Leaf Hopper (*Empoasca fabae* (Harris))☐

Other (Please Specify) _____

E. HERBICIDE REACTIONS

0 = Not Tested

1 = Susceptible

2 = Resistant

☐

Metribuzin

☐

Bentazone

☐

Sulfonylurea

☐

Glyphosate

☐

Glufosinate

☐

Pendimethalin

☐

Other (Please Specify) _____

F. TRANSGENIC COMPOSITION

Has the development of the subject variety included the insertion of genetic material from an organism other than a soybean, or, the removal of genetic material from the application variety?

If yes, please complete the following information requests*. Use additional pages if necessary.

☐

YES

☒

X

NO

1. Please state the vector's name:

2. Please state the vector components:

3. Please describe the genetic material successfully transferred into the subject variety:

4. Please describe the insertion protocol:

* A literature citation(s) explaining the four information requests above may be an acceptable alternative to completion of the "Transgenic Composition" portion of this form.

G. BIOCHEMICAL MARKERS

Please describe any biochemical information here, which you believe will be helpful in further describing the subject variety (e.g. Simple Sequence Repeats, Restriction Fragment Length Polymorphisms, Isozymic Characterization). Use additional pages if necessary.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) 1. VIRGINIA STATE UNIVERSITY 2. U.S. DEPARTMENT OF AGRICULTURE AS REPRESENTED BY THE SECRETARY OF AGRICULTURE	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER VS20-418	3. VARIETY NAME RANDOLPH
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) ROOM # 115 M.T. CARTER BUILDING CARTER G. WOODSON, DR. PETERSBURG, VA 23806	5. TELEPHONE (Include area code) 804-524-5632	6. FAX (Include area code) 804-524-5622
7. PVPO NUMBER		200300241

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. National or a U.S. based company? If no, give name of country ☒ YES ☐ NO
UNIVERSITY AND U.S. GOVERNMENT10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☒ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use the reverse for extra space):

JOINT OWNERSHIP BY:

VIRGINIA STATE UNIVERSITY AND

U.S. GOVERNMENT AS REPRESENTED BY THE SECRETARY OF AGRICULTURE

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

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